

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.9482 OF 2003

DATED:5.8.2005

Between:

Nagiri Pitchamma, and another

...Petitioner

And

Sub Inspector of Police, Suryapet Town Police Station,
Suryapet, Nalgonda District, and others

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The petitioners seek a Writ of Mandamus directing the respondents, namely, Sub-Inspector of Police, and Inspector of Police, Suryapet Town Police Station, and Superintendent of Police, Nalgonda District, not to harass and detain the petitioners illegally.

As disclosed in the affidavit, the case of the petitioners, in brief, is as follows. On 1.4.2003 Banda Amrutha Reddy lodged a complaint with first respondent that his daughter Banda Radhika was kidnapped on 29.3.2003 by Nagiri Bharath, son of first petitioner and brother of second petitioner. It appears the girl was traced and sent to her father's house. It is now alleged that in spite of the same, without registering any

crime, respondents are detaining the petitioners in the Police Station and harassing them.

First respondent has filed a counter affidavit stating that after tracing the missing girl kidnapped by son of first petitioner, she was sent to medical examination. As per the report of the medical examination, offence under Section 376 read with Section 109 of Indian Penal Code was added and petitioners 1 and 2 herein are shown as accused Nos.2 and 3 in Crime No.70 of 2003. The petitioners herein were arrested on 30.5.2003 and 31.5.2003 and they were sent to judicial custody pending further investigation.

Though counter affidavit is filed way back on 12.6.2003, petitioners have not filed any reply affidavit. Therefore, it must be held that Writ Petition is filed on factual foundation, which is not sound. If so advised, petitioners are at liberty to approach the Court of Judicial Magistrate of First Class, Suryapet, and obtain appropriate orders for release.

The Writ Petition is devoid of merit and is accordingly dismissed. No costs.

5.8.2005 (V.V.S.RAO, J)

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